

REMARKS

Preliminary Matters

After the foregoing amendments, claims 1 – 7 and 13 are currently pending in this application, and claims 8 – 12 have been canceled pursuant to a Restriction Requirement. Claims 8 – 12 are currently pending in U.S. Patent Application No. 11/448,406, filed June 7, 2006, which is a Divisional Application of the instant application.

Restriction Election

As stated in the Office Action, Applicants' representative provisionally elected, without traverse, to prosecute the invention of Group I, claims 1 – 7 and 13. Applicants affirm the election of Group I, without traverse.

35 U.S.C. § 102

Claims 1 – 7 and 13 stand rejected under 35 U.S.C. § 102(a) as anticipated by German Patent No. DE 101 62 781 A1 to Jacob et al. Applicants respectfully traverse the rejection of these claims and respectfully submit that DE 101 62 781 A1 is not a proper reference under 35 U.S.C. § 102(a). More specifically, an applicant's disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. § 102(a). MPEP

2132.01. In the instant matter, the *publication* date of Applicants' original, non-priority German patent application (German Patent No. DE 101 62 781 A1 to Jacob et al.) is July 3, 2003. Thus, because this publication date is within the year before the filing date of the instant application (i.e., January 13, 2004), DE 101 62 781 A1 cannot be used against Applicants under 35 U.S.C. § 102(a). Accordingly, withdrawal of the 35 U.S.C. § 102(a) rejection of claims 1 – 7 and 13 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

Applicants: Jacob et al.
Application No.: 10/756,093

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 1 – 7 and 13, is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

Jacob et al.

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